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10/774,630	02/10/2004	Masami Mizutani	1075.1246	9459
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STAAS & HALSEY LLP			HILLERY, NATHAN	
SUITE 700			ART UNIT	
1201 NEW YORK AVENUE, N.W.			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/774,630

Applicant(s)

MIZUTANI ET AL.

Examiner

NATHAN HILLERY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 17 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-7 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-16 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed on 1/12/09.
2. Claims 1 – 18 are pending in the case. Claims 1, 8, 12, 16 and 18 are independent with claims 1 – 16 and 18 having been elected at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 3, 8 – 10, 12 – 14, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (Designing Web Usability) and Ryan (US 20030152207 A1) and further in view of Heckerman et al. (US 6260011 B1).
5. **Regarding independent claim 1**, Nielsen teaches that spoken words are sometimes harder to understand, especially if the speaker is sloppy, has a dialect, speaks over a distracting soundtrack, or simply speaks too quickly. The classic solution to these problems is to use subtitles (p 1, fourth full paragraph), which meet the limitation of **a text display time calculation processing unit being configured to calculate a display time period of text media to be included in output multimedia contents on the basis of conversion instruction information**;

Nielsen teaches that traditional subtitles look good on a full-sized videotape. Unfortunately, the subtitles are virtually unreadable when the video is reduced to the size usually transmitted over the Internet (left image). Much better readability is gained

from placing the subtitles in a letterbox and sizing them for computer viewing (right image) (p 2, second full paragraph), which meet the limitation of **a spatiotemporal layout information setting processing unit being configured to set spatiotemporal layout information on said output multimedia contents on the basis of said conversion instruction information; and**

Nielsen teaches that we can save download time by transmitting the subtitles as ASCII (or Unicode) and have them rendered in the letterbox on the client machine: a perfect job for an applet. It should also be possible to have the user select the language for the subtitles through a preference setting or a pop-up menu (p 2, last paragraph), which meet the limitation of **said spatiotemporal layout information is configured to set processing unit setting a display time period of said text media included in said spatiotemporal layout information, on the basis of said display time period of said text media calculated in said text display time calculation processing unit.**

Nielsen does not explicitly teach **a contents conversion processing unit being configured to convert input multimedia contents, including text media and media other than the text media, oriented to personal computer to be displayed on a screen of the personal computer with a predetermined size into said output multimedia contents oriented to portable terminal to be displayed on a screen of the portable terminal with a size smaller than said predetermined size on the basis of said spatiotemporal layout information.**

However, Nielsen does teach that to preserve the feeling of user control, even when presenting multimedia, try segmenting longer presentations into short chapters

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that can be chosen from a menu. When converting a television news program to the Web, for example, break the program into one segment for each news story (p 2, third full paragraph).

Ryan teaches that streaming is a method of distributing particularly sound and/or video files over the Internet that permits the information to be viewed or heard as it is downloaded to a computer terminal. Most current streaming technology formats require software which can convert a standard video, audio or multimedia computer file into a streaming format and software on the receiving computer terminal to permit playback of the formatted file. If one of the parties wishes the other party to view a streaming video, it might be integrated into a video phone call by computers having a video camera and streaming video software installed (paragraph block 0080).

Therefore the combination of the teachings of Nielsen and Ryan meet the limitation of **a contents conversion processing unit being configured to convert input multimedia contents, including text media and media other than the text media, oriented to personal computer to be displayed on a screen of the personal computer with a predetermined size into said output multimedia contents oriented to portable terminal to be displayed on a screen of the portable terminal with a size smaller than said predetermined size on the basis of said spatiotemporal layout information.**

Because both Nielson and Ryan teach systems that integrate multimedia with web pages, it would have been obvious to one of ordinary skill in the art at the time of

the invention to try the combination of solutions disclosed by Nielson and Ryan with a reasonable expectation of success.

Neither Nielson nor Ryan explicitly teach **modify and synchronize a playing time period of said media other than said text media included in said spatiotemporal layout information, on the basis of said display time period of said text media set as said spatiotemporal layout information.**

Heckerman et al. teach that the recognized text with time stamps, text corpus and audio corpus are then processed by the text/audio alignment module 318 to produce a set 412 of synchronized text and audio files which are stored under control of the control module 310. The set 412 of synchronized text and audio files may take any one of a plurality of forms as will be discussed below in regard to FIGS. 8-13 (Column 9, lines 6 – 12), which meet the limitation of **modify and synchronize a playing time period of said media other than said text media included in said spatiotemporal layout information, on the basis of said display time period of said text media set as said spatiotemporal layout information.**

Because both the combination of Nielson and Ryan and Heckerman et al. teach systems that synchronize data, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute one method for the other to achieve the predictable result of synchronizing data based on the time of the text data.

6. **Regarding dependent claim 2**, Nielsen teaches that traditional subtitles look good on a full-sized videotape. Unfortunately, the subtitles are virtually unreadable

when the video is reduced to the size usually transmitted over the Internet (left image).

Much better readability is gained from placing the subtitles in a letterbox and sizing them for computer viewing (right image). Doing so does not increase the file size proportionally because the black area compresses very nicely (p 2, second full paragraph), which meet the limitation of **said text display time calculation processing unit calculates said display time period of said text media to be included in said output multimedia contents, on the basis of text information obtained from said input multimedia contents and text display from information inputted as said conversion instruction information.**

7. **Regarding dependent claim 3**, Nielsen teaches that to preserve the feeling of user control, even when presenting multimedia, try segmenting longer presentations into short chapters that can be chosen from a menu. When converting a television news program to the Web, for example, break the program into one segment for each news story. Then, prepare a standard web page that lists the stories with a short summary and a single thumbnail photo from the most visual ones. Allow users to link to individual stories from this page (p 2, third full paragraph), which meet the limitation of **said spatiotemporal layout information setting processing unit sets a playing time period of said media other than said text media included in said spatiotemporal layout information to coincide with said display time period of said text media set as said spatiotemporal layout information.**

8. **Regarding claims 8 – 10, 12 – 14, 16 and 18**, the claims incorporate substantially similar subject matter as claims 1 – 3 and are rejected along the same rationale.

9. Claims 4, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (Designing Web Usability), Ryan (US 20030152207 A1), and Heckerman et al. (US 6260011 B1) as applied to claims 1, 8 and 12 above, and further in view of Oliver et al. (Sams Teach Yourself HTML and XHTML).

10. **Regarding dependent claim 4**, Nielsen teaches that to preserve the feeling of user control, even when presenting multimedia, try segmenting longer presentations into short chapters that can be chosen from a menu. When converting a television news program to the Web, for example, break the program into one segment for each news story (p 2, third full paragraph), which meet the limitation of **a segment playing time setting unit for setting, modifying and synchronizing a playing time period of each of segments of said media other than said text media to be included in said output multimedia contents**;

Nielsen teaches that then, prepare a standard web page that lists the stories with a short summary and a single thumbnail photo from the most visual ones. Allow users to link to individual stories from this page (p 2, third full paragraph), which meet the limitation of **a total playing time calculation unit for calculating a total playing time period of all said segments of said media other than said text media on the basis**

of said playing time period of each of said segments of said media other than said text media set in said segment playing time setting unit;

Nielsen does not explicitly teach **a repeat count setting processing unit for setting a repeat count of said media other than said text media on the basis of said display time period of said text media calculated in said text display time calculation processing unit and said total playing time period of all said segments of said media other than said text media, nor said contents conversion processing unit making a conversion of said media other than said text media included in said input multimedia contents on the basis of said repeat count set in said repeat count setting processing unit.**

Oliver et al. teach that The HTML page in Figure 16.3 demonstrates the use of `<embed />` with a video clip in the Windows AVI (Audio-Video Interleave) format. The `<embed />` tag in Figure 16.3 also includes the `autostart` and `loop` attributes, which tell Netscape's LiveVideo plug-in to start playing the video when the page loads and to repeat it as long as the page is being displayed (p 1, first paragraph), which meet the limitation of **a repeat count setting processing unit for setting a repeat count of said media other than said text media on the basis of said display time period of said text media calculated in said text display time calculation processing unit and said total playing time period of all said segments of said media other than said text media,**

Oliver et al. teach that the `<embed />` tag in Figure 16.3 also includes the `autostart` and `loop` attributes, which tell Netscape's LiveVideo plug-in to start playing the

video when the page loads and to repeat it as long as the page is being displayed.

Figure 16.4 shows the resulting page as viewed with Netscape 4 (p 1, first paragraph), which meet the limitation of **said contents conversion processing unit making a conversion of said media other than said text media included in said input multimedia contents on the basis of said repeat count set in said repeat count setting processing unit.**

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Nielsen and Ryan with that of Oliver et al. because such a combination would provide the users of Nielsen and Ryan with the benefit of an advanced method of Embedding Video in a Web Page (pp 1 and 2).

11. **Regarding claims 11 and 15**, the claims incorporate substantially similar subject matter as claim 4 and are rejected along the same rationale.

Response to Arguments

12. Applicant's arguments with respect to claims 1 – 18 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

13. Claims 5 – 7 are allowed.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN HILLERY whose telephone number is (571)272-4091. The examiner can normally be reached on M - F, 10:30 a.m. - 7:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NH

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176